

## PATENT COOPERATION TREATY

C21

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To:

GERALD E. WORTH  
PROSKAUER ROSE, LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110

Date of mailing  
(day:month/year)

07 JAN 2010

Applicant's or agent's file reference

LIN-003PC

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/US 09/60991

International filing date  
(day:month/year)

16 October 2009 (16.10.2009)

Applicant LINGUAFLEX, LLC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 8270

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450  
Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300  
PCT OSP: 571-272-7774

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference LIN-003PC	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US 09/60991	International filing date ( <i>day/month/year</i> ) 16 October 2009 (16.10.2009)	(Earliest) Priority Date ( <i>day/month/year</i> ) 16 October 2008 (16.10.2008)
Applicant LINGUAFLEX, LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☐ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1A

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 09/60991

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - A61F 5/56 (2009.01)

USPC - 128/848

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC(8): A61F 5/56 (2009.01)

USPC: 128/848

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

USPC: 128/846, 848, 897, 898, 899; 606/151; 623/9, 66.1

IPC(8): A61F 5/56 (2009.01)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

Electronic Databases Searched: Google Scholar; PubWest (US Patents full-text, US PGPubs full-text, EPO Abstracts, and JPO Abstracts) Search Terms Used: surgery, surgical, medical, device, implant, prosthesis, tissue, retract, retractor, retracting implant, install, insert, recess, tongue, rigid, stiff, stiffen, pad, remove, removable, removed, l

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ----- Y	US 7,337,781 B2 (VASSALLO) 4 March 2008 (04.03.2008) entire document especially Fig. 1-4, Fig. 37-43, abstract, col 5, ln 44-67, col 6, ln 1-15, col 11, ln 45-67, col 12, ln 1-67, col 13, ln 5-35, col 13, ln 59-67, col 14, ln 1-9	1-2, 8-14, 19, 54 ----- 3-7, 15-18, 20-29, 43, 44, 46-50, 55, 56
X ----- Y	US 2006/0207606 A1 (ROUE et al.) 21 September 2006 (21.09.2006) entire document especially Fig. 4A-Fig. 5B, Fig. 32, Fig. 49C, abstract, para [0136], [0138], para [0177], para [0202]	36-42, 45, 52-53 ----- 3-7, 15-18, 20-35, 43, 44, 46-51, 55, 56
Y	US 6,610,065 B1 (BRANCH et al.) 26 August 2003 (26.08.2003) entire document especially Fig. 7, Fig. 28, col 9, ln 38-67, col 10, ln 1-39, col 16, ln 63-67, col 17, ln 1-27	30-35, 43, 44, 51
Y	US 2008/0021485 A1 (CATANESE III et al.) 24 January 2008 (24.01.2008) Fig. 9Z, para[0220]	26
Y	US 5,997,567 A (CANGELOSI) 07 December 1999 (07.12.1999) Abstract, Fig. 1, 2	30-35, 43
A	US 2008/0066766 A1 (PARASCHAC et al.) 20 March 2008 (20.03.2008) entire document generally	1-56
A	US 2008/0078412 A1 (BUSCEMI et al.) 3 April 2008 (03.04.2008) entire document generally	1-56

☐ Further documents are listed in the continuation of Box C.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

15 December 2009 (15.12.2009)

Date of mailing of the international search report

07 JAN 2010

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents  
P.O. Box 1450, Alexandria, Virginia 22313-1450

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